

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NEREIDA MENDEZ,)	
)	
Plaintiff,)	
)	Case No. 04 C 4159
vs.)	
)	Honorable Mark Filip
PERLA DENTAL, DENTAL PROFILE)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR JUDGMENT AS A MATTER OF LAW
ON PLAINTIFF'S ILLINOIS INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS CLAIM**

Pursuant to Federal Rule of Civil Procedure 50(a), Defendants Perla Dental, Dental Profile move this Court to enter Judgment as a Matter of Law in favor of Defendants on Plaintiff's Illinois intentional infliction of emotional distress (IIED) claim. Taking all the evidence from Plaintiff's case-in-chief, there is no legally sufficient evidentiary basis for a reasonable jury to find for the Plaintiff on her Illinois IIED claim. Defendants are entitled to Judgment as a Matter of Law because Plaintiff's case-in-chief, even if taken as true, failed to prove Illinois IIED by a preponderance of the evidence. In support of its Motion, Defendants submit their Memorandum in Support.

WHEREFORE, Defendants Perla Dental, Dental Profile request that this Court enter Judgment as a Matter of Law for Defendants in their favor on Plaintiff's Illinois IIED claim.

Respectfully submitted,

PERLA DENTAL, DENTAL PROFILE

By: s/ Brian J. Kurtz
One of their attorneys

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Dated: April 25, 2007

CERTIFICATE OF SERVICE

I, Craig R. Thorstenson, an attorney, certify that on April 25, 2007 I served the foregoing DEFENDANTS' MOTION FOR JUDGMENT AS A MATTER OF LAW and MEMORANDUM IN SUPPORT upon the following via personal hand delivery:

Dana L. Kurtz, Esq.
414 South State Street
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s/ Brian J. Kurtz
Brian J. Kurtz